



General Assembly

**Substitute Bill No. 576**

February Session, 2004

\* SB00576HS 040704 \*

**AN ACT CONCERNING REGULATIONS BY THE DEPARTMENT OF  
SOCIAL SERVICES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17b-10 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2004*):

3 (a) The Department of Social Services shall prepare and routinely  
4 update state medical services and public assistance manuals. [and  
5 general assistance policy manuals.] The pages of such manuals shall be  
6 consecutively numbered and indexed, containing all departmental  
7 policy regulations and substantive procedure, written in clear and  
8 concise language. Said manuals shall be published by the department  
9 and distributed so that they are available to (1) all [district, subdistrict  
10 and field] regional and subregional offices of the Department of Social  
11 Services; (2) each town hall in the state; (3) all legal assistance  
12 programs in the state; and (4) any interested member of the public who  
13 requests a copy. All policy manuals of the department, as they exist on  
14 May 23, 1984, including the supporting bulletins but not including  
15 statements concerning only the internal management of the  
16 department and not affecting private rights or procedures available to  
17 the public, shall be construed to have been adopted as regulations in  
18 accordance with the provisions of chapter 54. After May 23, 1984, any  
19 policy issued by the department, except a policy necessary to conform

20 to a requirement of a federal or joint federal and state program  
21 administered by the department, including, but not limited to, the state  
22 supplement program to the Supplemental Security Income Program,  
23 shall be adopted [in regulation form] as a regulation in accordance  
24 with the provisions of chapter 54.

25 (b) [After May 23, 1984, the] The department shall adopt [in  
26 regulation form] as a regulation in accordance with the provisions of  
27 chapter 54, any new policy necessary to conform to a requirement of a  
28 federal or joint state and federal program administered by the  
29 department, including, but not limited to, the state supplement  
30 program to the Supplemental Security Income Program, but the  
31 department may operate under such policy while it is in the process of  
32 adopting the policy [in regulation form] as a regulation, provided the  
33 Department of Social Services prints notice of intent to adopt the  
34 [regulations] regulation in the Connecticut Law Journal within twenty  
35 days after adopting the policy. Such policy shall be valid until the time  
36 final regulations are effective.

37 [(b) By July 1, 1986, the Department of Social Services shall rewrite  
38 the general assistance policy manual using plain language as described  
39 in section 42-152 and sections 38a-295 to 38a-300, inclusive. The  
40 manual shall include an index for frequent referencing and a separate  
41 section or manual which specifies procedures to follow to clarify  
42 policy. The department shall keep records of policy and procedural  
43 questions raised by town welfare officials and staff during telephone  
44 conversations and office visits.

45 (c) By January 1, 1987, the Department of Social Services shall  
46 replace its state public assistance policy manual with a new manual  
47 which is adopted in accordance with the provisions of chapter 54 and  
48 which sets forth in clear and concise language the policies and  
49 procedures to be used by the department in implementing and  
50 enforcing federal and state laws. The department may operate under a  
51 policy in the new recipient eligibility and benefit policy manual while  
52 it is in the process of adopting the manual in regulation form, provided

53 the department shall print a notice of intent to adopt regulations  
54 relating to recipient eligibility and benefits in the Connecticut Law  
55 Journal within twenty days of issuing the policy.]

56 (c) On and after July 1, 2004, the department shall submit proposed  
57 regulations that are required by subsection (b) of this section to the  
58 standing legislative regulation review committee, as provided in  
59 subsection (b) of section 4-170, not later than one hundred eighty days  
60 after publication of the notice of its intent to adopt regulations. The  
61 department shall include with the proposed regulation a statement  
62 identifying (1) the date on which the proposed regulation became  
63 effective as a policy as provided in subsection (b) of this section, and  
64 (2) any provisions of the proposed regulation that are no longer in  
65 effect on the date of the submittal of the proposed regulation, together  
66 with a list of all policies that the department has operated under, as  
67 provided in subsection (b) of this section, that superceded any  
68 provision of the proposed regulation.

69 (d) Not later than thirty-five days before the date on which  
70 proposed regulations are required to be submitted under subsection (c)  
71 of this section, subsection (e) of section 4-170, or this subsection, the  
72 department may submit to the committee requests for extensions of  
73 time for up to sixty days for each request accompanied by a written  
74 explanation of the reasons for the request. The committee may require  
75 the department to appear before the committee at a time prescribed by  
76 the committee to further explain the reasons for the request and to  
77 respond to any questions by the committee about the policy. If the  
78 committee finds good cause for the requested extension, the committee  
79 may grant the request.

80 (e) If amendments to an existing regulation are necessary solely to  
81 conform the regulation to amendments to the general statutes, and if  
82 the amendments to the regulation do not entail any discretion by the  
83 department, the department may elect to comply with the  
84 requirements of subsection (a) of section 4-168 or may proceed without  
85 prior notice or hearing. Any such amendments to a regulation shall be

86 submitted in the form and manner prescribed in subsection (b) of  
87 section 4-170, to the Attorney General, as provided in section 4-169,  
88 and to the committee, as provided in section 4-170, for approval and  
89 upon approval shall be filed in the office of the Secretary of the State.

90 (f) An application for a federal waiver of any assistance program  
91 requirement, submitted by the Commissioner of Social Services in  
92 accordance with the provisions of section 17b-8, shall not be construed  
93 to permit the department to utilize the provisions of subsections (b) to  
94 (e), inclusive, of this section.

This act shall take effect as follows:	
Section 1	October 1, 2004

**GAE**      *Joint Favorable Subst.*

**HS**        *Joint Favorable*